

**Friday, April 15, 2016**

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

**ROLL CALL:**

**PRESENT:** Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

**ABSENT:** None

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.  
Don Campbell: opens Public Comment with no one coming forward.

**PLANNING STAFF UPDATES**

2. This is the time set for Planning Staff updates.

Ellen Carroll, Environmental Coordinator: reports if the Commission needs to continue this item Monday, May 16th has been reserved.

Don Campbell: asks for any ex-parte contacts with none being reported.

Ellen Carroll, Environmental Coordinator: provides Commissioners and the Public with the Order of the Day.

**HEARINGS: (Advertised for 9:00 a.m.)**

3. Continued hearing to consider a request by the PHILLIPS 66 COMPANY for a Development Plan/Coastal Development Permit to allow the modification of the existing rail spur currently on the southwest side of the Santa Maria Refinery in order to allow for the import/unloading of crude oil at the refinery via train. The rail spur project includes a 6,915-foot long rail spur, an unloading facility, onsite pipelines, replacement of coke rail loading tracks, the construction of five parallel tracks with the capacity to hold a 5,190-foot-long unit train consisting of 80 tank cars (60 feet each), two buffer cars (60 feet each), and three locomotives (90 feet each), and accessory improvements outlined in more detail below in the staff report as well as the Final Environmental Impact Report (FEIR). The site is in the South County Coastal Planning Area, in the Industrial Land Use Category, and is located at

2555 Willow Road, approximately 3 miles west of the Nipomo Urban Reserve Line and approximately 3,300 feet from the nearest residence. Also being considered is the Final Environmental Impact Report. CONTINUED FROM 2/4, 2/5, 2/25, and 3/11/16.

County File Number: DRC2012-00095

Assessor Parcel Numbers: 092-401-011, 092-401-013, 092-401-005, & 092-411-005

Supervisory District: 4

Project Manager: Ryan Hostetter

Recommendation: Denial

Ryan Hostetter, Project Manager: overviews the list of topics that will be discussed at today's hearing.

Whitney McDonald, County Counsel: overviews the laws associated with this project in regards to preemption.

Commissioners: begin asking questions of staff and County Counsel regarding ESHA and the "Takings" law.

John Pierson, Project Manager for the EIR: shows a Power Point presentation on Crude Composition.

Steve Radis, Marine Research Specialist: shows a presentation on Hazards & Emergency Response.

Laurie Donnelly & Paul Lee, Cal Fire: show slides that address risks of impact associated with Crude by rail.

Greg Chittick, Engineer and Air Quality Specialist: overviews analysis of Federal and State regulations, historical rail and bridge failures and railroad and bridge issues in San Luis Obispo county.

Steve Radis, Marine Research Specialist: continues presentation addressing rail crossings and they're characteristics in San Luis Obispo.

Greg Chittick, Engineer and Air Quality Specialist: continues with his presentation regarding air quality issues.

Commissioners: begin discussion about air quality.

Larry Allen, Executive Director of the Air Pollution Control District (APCD): explains dust analysis and mitigation effectiveness in terms of this issue being due to meteorology and not mitigation. Further explains averages of how many days a year the Mesa site is in violation.

Don Campbell: calls the applicant to address the deliberations.

Jocelyn Thompson, attorney for P-66: addresses air quality discussions.

Mr. Anderson, Phillips 66: explains operation hours of the trucks, total amount of truck traffic, location of travel and routes, and hours of operations on routes.

Francisco Castillo, Public Affairs for Union Pacific: discusses communication with Union Pacific's legal counsel regarding the San Luis Obispo County contact for information regarding structural integrity of bridges.

John Pierson: explains he did contact Union Pacific and felt he would receive more information other than what he did.

Francisco Castillo, Public Affairs for Union Pacific: further discusses training provided to employees for first responders in emergencies, and how to access rail data. States first responders have access to the information, such as the Fire Marshall, but not the County of San Luis Obispo.

Greg McGowan, Biologist: discusses determinations made by the county designating property as ESHA. Further discusses impacts to Lupin and restoration of such.

Ryan Hostetter, Project Manager: discusses the definition of unmapped ESHA as per the Local Coastal Plan and in regards to how this language was interpreted by Ms. Thompson. Confirms no evaluation of unmapped ESHA was completed.

Steve McMasters, staff: further explains how ESHA is mapped and how it is based.

Whitney McDonald, County Counsel: comments on if the Commission moves towards approval of this proposal they would need further consideration of preemption which would come from County Counsel instead of additional legal analysis.

Commissioners: present their questions they would like addressed at the next hearing.

Thereafter on **Motion by:** Jim Irving, **Seconded by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to May 16, 2016.

Thereafter on **Motion by:** Jim Irving, **Second by:** James Harrison and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			

Meyer, Eric	x			
Topping, Ken	x			

The Commission accepts all testimony and correspondence entered into the record.

**ADJOURNMENT: 5:00**

Respectfully submitted,  
Ramona Hedges, Secretary  
San Luis Obispo County Planning Commission

**Minutes approved at the xx/xx/xx Planning Commission meeting.**